

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CF 135 FLAT LLC, CF 135 WEST MEMBER
LLC and THE CHETRIT GROUP, LLC,

Interpleader Plaintiffs,

-against-

TRIADOU SPV S.A., CITY OF ALMATY, a
foreign city, and BTA BANK JSC,

Interpleader Defendants.

15 Civ. 5345 (AJN) (SN)

CITY OF ALMATY, KAZAKHSTAN and BTA
BANK JSC,

Crossclaim Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR
KHRAPUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV S.A.,

Crossclaim Defendants.

DECLARATION OF ABIGAIL TUDOR

I, Abigail Tudor, hereby declare as follows. I am a Paralegal in the law firm of Boies, Schiller & Flexner LLP, counsel for Defendants and Crossclaim-Plaintiffs BTA Bank and the City of Almaty, Kazakhstan in the above-referenced action. I make this declaration based on my personal knowledge.

1. Attached hereto as Exhibit 15 is a true and correct copy of an organizational chart for 135 West 52nd Street, New York, New York.

2. Attached hereto as Exhibit 16 is a true and correct copy of a wire transfer authorization and agreement, dated July 5, 2014.

3. Attached hereto as Exhibit 17 is a true and correct copy of an audio recording, recorded on March 22, 2015.

4. Attached hereto as Exhibit 18 is a true and correct copy of an audio recording, recorded on March 23, 2015.

5. Attached hereto as Exhibit 19 is a true and correct copy of a Building Loan Agreement dated August 25, 2014, between 135 West 52nd Street Owner LLC, Deutsche Bank A.G., and German American Capital Corporation.

6. Attached hereto as Exhibit 20 is a true and correct copy of a Project Loan Agreement dated August 25, 2014, between 135 West 52nd Street Owner LLC, Deutsche Bank A.G., and German American Capital Corporation.

7. Attached hereto as Exhibit 21 is a true and correct copy of a Senior Loan Agreement dated August 25, 2014, between 135 West 52nd Street Owner LLC, Deutsche Bank A.G., and German American Capital Corporation.

8. Attached hereto as Exhibit 22 is a true and correct copy of a Judgment, dated October 21, 2015, issued by the U.K. Supreme Court in *JSC BTA Bank v. Ablyazov* [2015] UKSC 64.

9. Attached hereto as Exhibit 23 is a true and correct copy of the global freezing order as to Mukhtar Ablyazov, dated November 23, 2012, and most recently amended March 24, 2014, issued by the U.K. courts in *JSC BTA Bank v. Ablyazov*, EWHC (QB) 2009 Folio 1099.

10. Attached hereto as Exhibit 24 is a true and correct copy of the global receivership order as to Mukhtar Ablyazov, dated August 6, 2010, and most recently amended September 18, 2015 issued by the U.K. courts in *JSC BTA Bank v. Ablyazov*, EWHC (QB) 2009 Folio 1099.

11. Attached hereto as Exhibit 25 is a true and correct copy of the global freezing order as to Ilyas Khrapunov, dated July 17, 2015, but publicly released November 12, 2015, issued by the U.K. courts in *JSC BTA Bank v. Ablyazov and Khrapunov*, EWHC (QB) 2015 Folio ____.

12. Attached hereto as Exhibit 26 is a true and correct copy of a judgment against Ilyas Khrapunov, dated January 20, 2016, issued by the U.K. courts in *JSC BTA Bank v. Ablyazov and Khrapunov*, 2016 EWHC 289 (comm).

13. Attached hereto as Exhibit 27 is a true and correct copy of a subpoena duces tecum, dated March 29, 2016, served by Defendant Triadou SPV S.A. on Sukenik, Segal & Graff, PC, in *Triadou SPV S.A. v. CF 135 Flat LLC, et al.* No. 650239/2015.

14. Attached hereto as Exhibit 28 is a true and correct copy of the affidavit of Cesare Cerrito, dated June 8, 2015, filed in *Triadou SPV S.A. v. CF 135 Flat LLC, et al.* No. 650239/2015 (Sup. Ct. N.Y. Cnty, June 10, 2015).

15. Attached hereto as Exhibits 29-1 & 29-2 is a true and correct copy of the affidavit of Joseph Chetrit, dated March 10, 2016, filed in *Triadou SPV S.A. v. CF 135 Flat LLC, et al.* No. 653462/2014 (Sup. Ct. N.Y. Cnty, March 10, 2016).

16. Attached hereto as Exhibit 30 is a true and correct copy of Defendant Triadou SPV S.A.'s Motion for a Receiver, filed on April 8, 2016, in *Triadou SPV S.A. v. CF 135 Flat LLC, et al.* No. 653462/2014 (Sup. Ct. N.Y. Cnty, April 8, 2016).

17. Attached hereto as Exhibit 31 is a true and correct copy of an order issued by Justice David B. Cohen of the Supreme Court of the State of New York, New York County, filed on March 9, 2016 in *Triadou SPV S.A. v. CF 135 Flat LLC, et al.* No. 653462/2014 (Sup. Ct. N.Y. Cnty, March 9, 2016).

18. Attached hereto as Exhibit 32 is a true and correct copy of a letter from Robert S. Wolf, counsel for Nicholas Bourg, to Joseph Chetrit, dated March 24, 2015, and previously filed in *Triadou SPV S.A. v. CF 135 Flat LLC, et al.* No. 650239/2015 (Sup. Ct. N.Y. Cnty, March 31, 2015) (NYSECF Doc. No. 26).

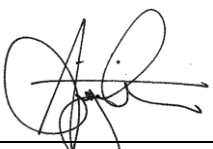
19. Attached hereto as Exhibit 33 is a true and correct copy of a judgment dated March 19, 2013, issued by the U.K. Courts in *JSC BTA Bank v. Ablyazov, et al.*, 2013 EWHC 510 (comm).

20. Attached hereto as Exhibit 34 is a true and correct copy of a judgment dated November 26, 2013, issued by the U.K. Courts in *JSC BTA Bank v. Ablyazov*, 2013 EWHC 3691 (ch).

21. Attached hereto as Exhibit 35 is a true and correct copy of the affidavit of David Segal, dated April 20, 2016, filed in this action on April 20, 2016, Docket Entry number 112.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 2, 2016



Abigail Tudor